

## United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/002,711	11/01/2001	Raymond Heidel	41286.00019	41286.00019 2780	
7	7590 11/04/2003		EXAMINER		
David B. Abel, Esq. Squire, Sanders & Dempsey L.L.P. 14th Floor 801 S. Figueroa Street			MILLER, JONATHAN R		
			ART UNIT	PAPER NUMBER	
			3653		
Los Angeles,	CA 90017-5554		DATE MAILED: 11/04/2003	3	

Please find below and/or attached an Office communication concerning this application or proceeding.

_			$\leq \mathcal{N}$				
	Application No.	Applicant(s)					
Office Action Summers	10/002,711	HEIDEL ET AL.					
, Office Action Summary	Examiner	Art Unit					
TI MAN INO DATE (II)	Jonathan R. Miller	3653					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute,  - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	6(a). In no event, however, may a reply within the statutory minimum of thirty (3 ill apply and will expire SIX (6) MONTH: cause the application to become ABAN	be timely filed  O) days will be considered timel  from the mailing date of this control  DONED (35 U.S.C. § 133).	y. ommunication.				
1) Responsive to communication(s) filed on 25 J	<u>uly 2003</u> .						
2a)⊠ This action is <b>FINAL</b> . 2b)□ Thi	s action is non-final.	J					
3) Since this application is in condition for allowa closed in accordance with the practice under <i>b</i>	nce except for formal matte Ex parte Quayle, 1935 C.D.	rs, prosecution as to th 11, 453 O.G. 213.	e merits is				
4) $\boxtimes$ Claim(s) <u>1-33</u> is/are pending in the application.	,						
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-33</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or	election requirement.	,					
Application Papers							
9) The specification is objected to by the Examiner			-				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Exa	•						
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. & 1	19(a)-(d) or (f)					
a) ☐ All b) ☐ Some * c) ☐ None of:	priority under 00 0.0.0.3 1	10(a)-(a) 01 (1).					
1. Certified copies of the priority documents	have been received						
2. Certified copies of the priority documents		lication No					
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.							
14) Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. §	l 19(e) (to a provisional	application).				
a) ☐ The translation of the foreign language prov 15)☐ Acknowledgment is made of a claim for domestic							
Attachment(s)							
Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Info	nmary (PTO-413) Paper No rmal Patent Application (PT					

Application/Control Number: 10/002,711

Art Unit: 3653

## DETAILED ACTION

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Izawa et al. Applicant is directed to the specification and Fig. 1, and particularly to col. 7, lines 23+.

## Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (703) 305-5778. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jrm

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600